

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DESMOND EDWARDS,

Plaintiff,

v.

**ELISSA HUGMAN, and ALFONSO
CHARLES,**

Defendants.

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Case No. 6:19-CV-316-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Desmond Edwards, an inmate confined in Gregg County Jail, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On July 29, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 7), recommending that the action be dismissed as frivolous and for failure to state a claim under 28 U.S.C. § 1915A(b). A return receipt indicating delivery to Plaintiff was received by the Clerk on August 5, 2019 (Docket No.10).

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings


for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 7) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 7) be **ADOPTED**. It is further

ORDERED that the Complaint is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim under 28 U.S.C. §1915A(b) for purposes of *in forma pauperis* proceedings. The dismissal of this lawsuit is without prejudice to Plaintiff's right to contest the criminal charges against him at trial and on appeal, and without prejudice to Plaintiff's right to seek habeas corpus relief at the appropriate time in state or federal court. All pending motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **27th** day of **August, 2019**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE